

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FERNANDO GASTELUM,
Plaintiff,
v.
TJX COMPANIES,
Defendant.

Case No. 21-cv-06714-VKD

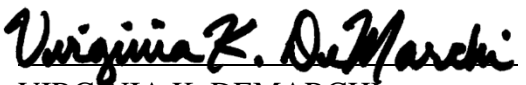
**ORDER TO SHOW CAUSE RE
DISMISSAL FOR FAILURE TO
PROSECUTE**

On January 19, 2022, the Court granted defendant's Rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction, concluding that Mr. Gastelum's complaint failed to allege sufficient facts establishing his Article III standing to bring a claim under Title III of the American with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12182, *et seq.* Mr. Gastelum's state law claim was dismissed without prejudice. Dkt. No. 18. He was given until February 9, 2022 to file an amended complaint. *Id.*

To date, no amended complaint has been filed. Accordingly, by **March 7, 2022**, Mr. Gastelum shall file a response to this order, showing cause why this action should not be dismissed for failure to prosecute. Mr. Gastelum's failure to respond to this order will result in the dismissal of this action with prejudice.

IT IS SO ORDERED.

Dated: February 24, 2022


VIRGINIA K. DEMARCHI
United States Magistrate Judge